

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

NATIONWIDE AFFORDABLE
HOUSING FUND 4, LLC, *et al.*,

Plaintiffs,

v.

URBAN 8 DANVILLE
CORPORATION, *et al.*,

Defendants.

Case No. 1:23-cv-04288

Hon. Mary Rowland

**PLAINTIFFS' MOTION
FOR JUDGMENT ON THE PLEADINGS AS TO COUNT II**

Pursuant to Fed. R. Civ. P. 12(c), Plaintiffs Nationwide Affordable Housing Fund 4, LLC and SCDC, LLC (“Plaintiffs”), by their undersigned counsel, respectfully move this Court to enter judgment in their favor and against defendants Urban 8 Danville Corporation, Urban 8 Macomb Corporation, Urban 8 Fox Lake Corporation, and Urban 8 Zion Corporation (“Defendants”) on Count II of Plaintiffs’ Amended and Supplemental Complaint [Dkt. 39]. Plaintiffs are entitled to this relief for the reasons set forth in their separately-filed Memorandum in Support of Motion for Judgment on the Pleadings as to Count II, which is incorporated by reference, and because the pleadings and concessions of Defendants establish there are no material facts in dispute and Plaintiffs are entitled to judgment as a matter of law.

Accordingly, Plaintiffs respectfully request the Court enter judgment in their favor and against Defendants as to Count II of the Complaint, and enter an order:

- a. Compelling Defendants to perform their obligations under the Settlement Agreement by immediately filing amended and corrected Partnership tax returns (by submitting the appropriate tax forms) removing any allocation of Defendants' legal fees;
- b. Compelling Defendants to promptly provide copies of such amended and corrected tax returns to Plaintiffs; and
- c. Granting such other and further relief as the Court deems just and proper including attorneys' fees.

November 18, 2023

Respectfully submitted,

NIXON PEABODY LLP

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*Counsel for Nationwide
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and SCDC, LLC*

**CERTIFICATE OF COMPLIANCE WITH LOCAL RULES
AND STANDING ORDERS**

I, Keith E. Edeus, Jr., an attorney of record for Plaintiffs herein, certify that I have reviewed the applicable Rules, Local Rules and Standing Orders; and the foregoing document complies with such Rules, Local Rules and Standing Orders, including the Court's information published on the Court's webpage, to the extent applicable.

NIXON PEABODY LLP

/s/ Keith E. Edeus, Jr.
Keith E. Edeus, Jr.

CERTIFICATE OF SERVICE

I, Keith E. Edeus, Jr., an attorney, certify that on November 18, 2023, I emailed a copy of the foregoing to Defendants' counsel, at the email addresses listed on the Court's most recent ECF-notification issued in this case.

/s/ Keith E. Edeus, Jr.

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